

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ALFA CORPORATION,
an Alabama corporation,

Plaintiff,

v.

**ALFA MORTGAGE
INCORPORATED,** an Indiana
Corporation,

Defendant.

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Case No. 2:06-cv-962-WKW-WC

PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT

COMES NOW Plaintiff Alfa Corporation ("Plaintiff"), and pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, moves for the entry of a default judgment against Defendant Alfa Financial Corporation ("Defendant"). In support thereof, the Plaintiff says, as follows:

1. On October 25, 2006, Plaintiff commenced this action by filing a Complaint against the Defendant.

2. Defendant filed a Motion to Dismiss the Complaint (Doc. 10) which motion was denied by Memorandum Opinion and Order entered on September 18, 2007 (Doc. 18). Thereafter, a shareholder of Defendant who was a non-attorney filed Answers on behalf of the Defendant. These Answers were stricken by orders of the Court. (Doc. Nos. 24, 31).

3. On application of the Plaintiff, the Clerk entered default against the Defendant on December 17, 2007. (Doc. 33).

4. By virtue of the Defendant's default, the Plaintiff is entitled to, and the Plaintiff thereby moves for, a default judgment against the Defendant on each and every count asserted in the Complaint.

5. Plaintiff seeks a permanent injunction enjoining Defendant (and all persons and entities in active concert with it) from:

(i) using the name or designation "Alfa" in connection with any mortgage, loan, construction or financial services or related services in the United States;

(ii) prosecuting any applications to register trademarks containing an "Alfa" name or designation in connection with any mortgage, loan, construction or financial services or related services in the U.S. Patent or Trademark Office or any other U.S. trademark authority;

(iii) using any false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendant's business and services are in any way associated or affiliated with or related to Plaintiff or Plaintiff's services as described herein; and

(iv) filing any public record using the word "Alfa," and ordering that any such filings or registrations be withdrawn or rescinded.

6. Defendant should be ordered to transfer to Plaintiff ownership of the domain www.alfamtg.com, and any other domains owned and/or controlled by Defendant which contain the word "Alfa."

7. Defendant should be ordered to deliver up to Plaintiff for destruction or other disposition, within thirty (30) days of the entry of final judgment herein, any and all labels, signs, prints, packaging, wrappers, documents and advertising or promotional materials in its

possession or within its custody or control that bear any designation in violation of Plaintiff's rights as decreed herein, together with all plates, molds, matrices and other means of making the same.

8. Defendant should be ordered to file with the Court and serve on counsel for Plaintiff, within thirty (30) days after entry of any injunction issued by the Court in this action, a sworn written statement of compliance as provided in 15 § U.S.C. 1116.

9. Defendant also should be ordered to pay, forthwith, to the Plaintiff the amount of \$36,860.66 to reimburse Plaintiff for its reasonable attorneys fees pursuant to 15 U.S.C. § 1117.

10. Plaintiff seeks such other relief as the Court deems just and proper.

This motion is based on the Memorandum of Law, Declaration of Juan C. Basombrio, and the Proposed Order served herewith, and on all pleadings and records in this action.

Dated: April 7, 2008.

Respectfully submitted,

s/Robert A. Huffaker

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Attorneys for Plaintiff
ALFA CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have mailed a copy of same by United States Mail, postage prepaid and properly addressed to:

Corina Shelton
Alfa Mortgage Incorporated
4272 Terrabella Way
Oakland, California 94619

s/Robert A. Huffaker
Of Counsel